



Department
of Health &
Social Care

Freedom of Information Team
Department of Health and Social Care
39 Victoria Street
London SW1H 0EU

www.gov.uk/dhsc

Mr B Kingsley

By email to: request-978537-70f801dd@whatdotheyknow.com

6 June 2023

Dear Mr Kingsley,

Freedom of Information Request Reference FOI- 1452316

Thank you for your request dated 5 May to the Department of Health and Social Care (DHSC), a copy of which can be found in the accompanying annex.

Your request has been handled under the Freedom of Information Act 2000 (FOIA).

To provide the information as it is currently framed in question two would exceed the appropriate cost limit set out in the FOIA.

Section 12(2) of the FOIA means public authorities are not obliged to comply with a request for information if it estimates the cost of complying would exceed the appropriate limit. The appropriate limit for the DHSC is set at £600, which represents the cost of one person spending 24 working hours determining whether we hold the information.

In this instance, to determine if all the information requested is held, we would be required to search through a large number of emails, spanning a wide timescale. We have estimated that the cost of this work would exceed the appropriate limit. Consequently, we will not be answering your request.

Although we cannot answer your request at the moment, we may be able to answer a refined request within the cost limit. You may wish to consider, for example, by specifying a reduced time period, a particular vaccination campaign, specific vaccine manufacturers or vaccine products. Please be aware that we cannot guarantee at this stage that a refined request would fall within the FOIA cost limit, or that other exemptions will not apply.

Where section 12 applies to one part of a request we refuse all of the request as being over the cost limit, as advised by the Information Commissioner's Office.

Outside of the FOIA and on a discretionary basis, please see the responses below to your other requests for information.

First, could you please provide a copy of the documents or correspondence in which Health Ministers approved, for the purposes of regulations 291A and/or 292 of the Human Medicines Regulations 2012, the Covid vaccination advertising campaigns of December 2020 and April 2021.

Alternatively if no formal approval documents or correspondence exists for any or all of those campaigns, please confirm this.

Specifically I am referring to the vaccine campaign which commenced in or around December 2020, described by NHS England in a statement published on its website on 8 December 2020 as "the biggest vaccine campaign in NHS history"; and to the national advertising campaign for under-50s announced by the DHSC on or around 26 April 2021.

DHSC does not hold the information requested. This is because these government campaign activities are not considered to be advertisements for a medicine as defined by regulation 7 of the Human Medicines Regulations (HMR) 2012 and are therefore considered to be out of scope of Part 14 (Advertising) of the HMRs.

The MHRA is responsible, on behalf of Health Ministers, for administering the legislation on advertising medicines as set out in [Part 14 of the Human Medicines Regulations 2012](#), as amended.

The relevant definition of an advertisement for a medicine is given in [regulation 7](#).

It is the view of the MHRA that materials disseminated by government bodies in support of a public health campaign are not caught by this definition, as they are not 'designed to promote the prescription, supply, sale or use' of a specific medicine or medicines. Their purpose is rather to promote public health by encouraging people to seek appropriate medical intervention, in this case uptake of vaccination against COVID-19.

I am referring to the vaccine campaign which commenced in or around December 2020, described by NHS England in a statement published on its website on 8 December 2020 as "the biggest vaccine campaign in NHS history."

DHSC does not hold the information you requested. This is because we are not the appropriate authority to contact on this subject.

You may wish to contact NHS England, which may hold information relevant to your request. Contact details can be found at:

[NHS England » How to make a Freedom of Information request to NHS England](#).

If you are not satisfied with the handling of your request, you have the right to appeal by asking for an internal review. This should be sent to freedomofinformation@dhsc.gov.uk or to the address at the top of this letter and be submitted within two months of the date of this letter. Please remember to quote the reference number above in any future communication.

If you are not content with the outcome of your internal review, you may complain directly to the Information Commissioner's Office (ICO). Generally, the ICO cannot make a decision unless you have already appealed our original response and received our internal review decision.

You should raise your concerns with the ICO within three months of your last meaningful contact with us. Guidance on contacting the ICO can be found at <https://ico.org.uk/global/contact-us> and information about making a complaint can be found at <https://ico.org.uk/make-a-complaint>.

Yours sincerely,

Freedom of Information Team
freedomofinformation@dhsc.gov.uk

Annex

This is a request made under section 1 of the Freedom of Information Act 2000. This request has two elements.

First, could you please provide a copy of the documents or correspondence in which Health Ministers approved, for the purposes of regulations 291A and/or 292 of the Human Medicines Regulations 2012, the Covid vaccination advertising campaigns of December 2020 and April 2021.

Alternatively if no formal approval documents or correspondence exists for any or all of those campaigns, please confirm this.

Specifically I am referring to the vaccine campaign which commenced in or around December 2020, described by NHS England in a statement published on its website on 8 December 2020 as "the biggest vaccine campaign in NHS history"; and to the national advertising campaign for under-50s announced by the DHSC on or around 26 April 2021.

Second, and independently of that first request (unless the answer is evident on the face of the documents disclosed in response to that first request), could you please confirm whether the approvals given by Health Ministers as referenced above expressly included or excluded advertisements communicated during those vaccination campaigns by any of the manufacturers of the relevant vaccine products.